

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

SCHWARTZ SIMON  
EDELSTEIN & CELSO LLC  
100 South Jefferson Road  
Suite 200  
Whippany, New Jersey 07981  
(973) 301-0001  
Attorneys for Defendants,  
Evan Kuperman and Galaxy  
Nyack, Inc., d/b/a Rockland  
Toyota

---

RICHARD M. ZELMA,	:	
	:	
Plaintiff,	:	Civil Action No.
	:	
v.	:	
	:	
EVAN KUPERMAN individually	:	
as owner, officer or	:	NOTICE OF REMOVAL
managing member of GALAXY	:	
NYACK, INC., d/b/a ROCKLAND	:	
TOYOTA, and GALAXY NYACK	:	
INC., d/b/a ROCKLAND TOYOTA	:	
and DOES' (1-5) and ABC	:	
CORPORATIONS (1-5); EACH	:	
ACTING INDIVIDUALLY, IN	:	
CONCERT OR AS A GROUP.	:	
	:	
Defendants.	:	

---

**TO: THE CLERK AND THE HONORABLE JUDGES  
OF THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY, NEWARK VICINAGE**

Defendants, Evan Kuperman and Galaxy Nyack, Inc. d/b/a Rockland Toyota (hereinafter collectively "Defendants"), hereby give notice to the Court, pursuant to 28 U.S.C. §1441, of the removal of this action, captioned as Richard M. Zelma v. Evan Kuperman, individually as owner, officer or managing member of

Galaxy Nyack, Inc., d/b/a Rockland Toyota, and Galaxy Nyack, Inc., d/b/a Rockland Toyota and Does' (1-5) and ABC Corporations (1-5); Each Acting Individually, In Concert Or As A Group, Docket No. BER-L-20338-14 (hereinafter the "State Action"), from the Superior Court of New Jersey, Law Division, Bergen County, to the United States District Court for the District of New Jersey. Removal of this matter from the Superior Court of New Jersey to the United States District Court is proper for the reasons set forth below:

1. On or about December 19, 2014, Defendants were served with the Complaint in the State Action. See Complaint attached hereto as Exhibit A.

2. Plaintiff, Richard M. Zelma (hereinafter "Plaintiff"), contends that Defendants violated 47 U.S.C. §227(c) by placing calls to Plaintiff's residence, which is allegedly listed on the national do-not-call registry. See Exhibit A at Count One.

3. Plaintiff contends that Defendants violated N.J.S.A. 56:8-119 by initiating calls to Plaintiff's residence for the purpose of soliciting the purchase of automotive products and services. See Exhibit A at Count Two.

4. Plaintiff contends that Defendants violated 47 U.S.C. §227(b) by allegedly initiating unwanted telemarketing calls. See Exhibit A at Count Three.

5. This Court also has supplemental jurisdiction, pursuant to 28 U.S.C. §1367, over all state and common law

claims asserted in the Complaint by Plaintiff as those claims are so related to the federal claims that they form part of the same case.

6. Defendants are entitled to seek the removal of this matter, pursuant to 28 U.S.C. §1446(b), as this Notice of Removal has been filed within thirty (30) days of service of the Complaint in the State Action.

7. The State Action is a civil action of which the District Courts of the United States have original jurisdiction by virtue of federal question jurisdiction granted by 28 U.S.C. §1331.

8. Moreover, all known Defendants consent to removal of this matter.

9. This matter is therefore properly removed to this Court, pursuant to 28 U.S.C. §1441(a), because the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws or treaties of the United States. Venue is proper in the Newark Vicinage, as the claims asserted by Plaintiff was filed with the Superior Court of New Jersey, Law Division, Bergen County.

10. Accordingly, this matter should be removed to the United States District Court for the District of New Jersey by virtue of the provisions of 28 U.S.C. §1441(a) and 28 U.S.C. §1446(b).

11. Pursuant to 28 U.S.C. §1446(d), written notice of this

Notice of Removal has been given to all parties involved in the State Action and has been filed with the Clerk of the Superior Court of New Jersey, Law Division, Bergen County.

12. Defendants submit this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff, and do not concede that Plaintiff has asserted any claims against Defendants upon which relief may be granted.

**WHEREFORE,** Defendants respectfully give notice to this Court of the removal of the State Action from the Superior Court of New Jersey, Law Division, Bergen County, to the United States District Court for the District of New Jersey, Newark Vicinage.

SCHWARTZ SIMON  
EDELSTEIN & CELSO LLC  
Attorneys for Defendants,  
Evan Kuperman and Galaxy Nyack,  
Inc., d/b/a Rockland Toyota

By: /s/ Stefani C Schwartz  
STEFANI C SCHWARTZ

Dated: January 15, 2015